

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

**Application Number: 09/824,960
Filing Date: April 3, 2001
Appellant: Grenville J. Armitage**

**John E. Curtin
For Appellant**

SUPPLEMENTAL REBUTTAL BRIEF

**This is in response to the Examiner's supplemental Answer mailed
July 21, 2006**



PATENT
129250-001041/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Grenville J. Armitage **Appeal No.** _____
Serial No.: 09/824,960 Group: 2154
Filed: April 3, 2001 Examiner: Jungwon Chang
For: SUPPORTING MOBILE HOSTS ON AN INTERNET PROTOCOL
NETWORK

SUPPLEMENTAL REBUTTAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

September 5, 2006

Dear Sir:

SUPPLEMENTAL REPLY TO EXAMINER'S ANSWER

A. The Examiner's Supplemental Answer dated July 21, 2006/Correction of Serial Number

On July 21, 2006 the Examiner filed a supplemental Answer in accordance with an order from the Board dated May 8th, 2006. Though it does not appear that the Examiner's supplemental Answer ("Answer") raises any new issues that need to be addressed by the Appellant, the Appellant nonetheless hereby submits a Supplemental Rebuttal/Reply to the Answer

which, in substance, is identical to his earlier Rebuttal/Reply filed October 31, 2005.

The Appellant respectfully retains his right to submit an additional Rebuttal/Reply, if necessary, to address any issue raised in the Answer that the Appellant is presently unaware of.

The Appellant also notes that the serial number of the present application was incorrectly labeled on the interior pages of his previous Rebuttal/Reply. The Appellant apologizes for any confusion this may have caused.

B. The Section 103 Rejections

1.) Claims 1, 2 and 4-14

Claims 1, 2 and 4-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Perkins (RFC 2002

<http://www.ietf.org/rfc/rfc2002.text?number=2002>, October 1996) (herein referred to as "Perkins") in view of Harvey et al., U.S. Patent No. 6,189,039 ("Harvey"). Appellant notes that the Examiner again admits in the Examiner's Answer that Perkins does not disclose mapping, at [a] second interface of [a] home router, unicast addresses as packets received at the second interface and destined to members of [a] subnet (U1), to group addresses (Mx) assigned to members of the subnet. To make up for this deficiency the Examiner again relies on Harvey. Appellant respectfully disagrees for at least the following reasons.

Neither Perkins nor Harvey disclose the assignment and mapping steps required by the claims of the present invention. More specifically, each of the rejected claims requires the steps of, among other things:

assigning [a] first interface of [a] home router and mobile hosts corresponding group addresses (Mx) according to a defined relation with respect to unicast network addresses, and

mapping at [a] second interface of the home router, unicast addresses of packets received at the second interface and destined to members of the subnet (U1), to the group addresses (Mx) assigned to the members of the subnet.

In Perkins, a mobile is assigned either "a care-of-address" or a "co-located, care-of-address". A care-of-address is one that is associated with a "foreign" agent the mobile is registered with. Similarly, a co-located, care-of-address is an address that is associated with a "foreign" network address. The co-located, care-of-address is obtained from a new foreign network that a mobile attaches itself to. Said another way, when a mobile roams from one network to another the network it joins is referred to as a foreign network. Upon joining this network the mobile is assigned a co-located, care-of-address.

Nowhere in Perkins is there a disclosure of an interface of a home router that is assigned a group address, as is required by the claims of the present invention. In addition, nowhere in Perkins is it disclosed or suggested that a mobile host is assigned a group address. The care-of-addresses or co-located, care-of-addresses assigned to mobiles in Perkins or not group addresses; they are network or agent specific addresses.

As explained in the present specification, the group addresses, Mx, are assigned to both the mobile host and home router. When a mobile host travels from network to network it still retains the same group address. (see p.5 of Appellants opening brief, bullet no. 2 and p. 6 bullet no. 2; steps 14 and 24 in FIG. 1, Appendix B of Appellant's opening brief). In contrast, when a mobile in Perkins moves and joins a new network it is assigned a co-located, care-of-address which is derived from the network it joins. Neither of the addresses assigned to a mobile host in Perkins equate to, or are suggestive of, the group addresses that are assigned to mobiles and home routers in the claims of the present invention.

Similarly, neither Perkins (as admitted by the Examiner) nor Harvey discloses the mapping step of the claimed invention.

Appellant takes note of the statements made by the Examiner on page 8 of the Examiner's Answer. The Examiner points out that he is only relying on Harvey "to teach the mapping between unicast and multicast (group) addresses." Yet to make up for the deficiencies in Perkins, Harvey needs to teach more than the mapping between unicast and multicast group addresses; it needs to teach the claimed assignment step (which it does not) and the specific mapping steps in claim 1 of the present invention.

More to the point, the mapping step in the claims of the present invention makes use of the group addresses, M_x, which were assigned during the previous assignment step. More particularly, these groups are previously assigned to a first interface of a home router and mobile hosts. In contrast, the so-called multicast techniques in Harvey have nothing at all to do with a home router and mobile hosts. Thus, Harvey does not disclose or suggest the mapping of unicast addresses, destined to members of a subnet U₁, to group addresses M_x that were previously assigned to a first interface of a home router and to the intended mobile hosts.

Harvey uses the word multicast to identify the forwarding of a message from one point to many points. This need not be the case in the present invention. In the present invention, a unicast address may originate with one host and be received by another host where the receiving host is associated with a multicast address. In other words, the claims of the present invention allow point-to-point messages to be sent on a using a multicast address unlike the multicast techniques in Harvey.

Appellant disagrees that the "teachings of Harvey have obvious applications in a network having mobile hosts" as also stated by the Examiner in the Examiner's Answer. Appellant respectfully requests that the Examiner point out where in Harvey there is any teaching or suggestion that Harvey's

mapping can be used in a mobile host environment, in particular, in an environment where a mobile host moves from one network to another.

Appellant respectfully draws the Examiner's and Board's attention to the first four lines of the "Background of the Invention" section of the present specification which states that: "This invention relates to a technique that enables a mobile node or host to communicate with other nodes associated with a wired information network, notwithstanding changes in the mobile host's attachment to the network". Given the fact that the inventions described in the specification and claims of the present application are directed at mobile host, it is respectfully submitted that any reference which does not disclose or suggest its applicability to a mobile host environment can in no way anticipate or render obvious claims of the present invention.

One of ordinary skill in the art, upon realizing that Perkins lacks the assignment and mapping features of the claims of the present invention, would look for a disclosure which explicitly or suggestively discloses such steps. No such steps are disclosed or suggested in Harvey. There is no mention of a home router which is used with mobile hosts, of group addresses Mx that are assigned to interfaces of a home router and mobile hosts, and no mention of mapping, at a second interface of a home router, of unicast addresses to group addresses that are assigned to members of a subnet, as required by the claims of the present invention.

The Examiner repeats his position that it is appropriate to combine the teachings of Perkins and Harvey. Appellant respectfully disagrees. Though Perkins does not disclose claimed features of the present invention, it arguably is aimed at solving problems that occur when a mobile host moves from one network to another. In contrast, Harvey is totally unconcerned with the movement of a mobile host. Instead, Harvey is concerned with the streaming of data from one host to a number of hosts. One of ordinary skill would not be motivated to combine the teachings of Harvey with Perkins to solve problems

related to the tracking of a mobile host because the unicast/multicast techniques in Harvey are not related to the tracking of a mobile host.

In Perkins, a mobile host is assigned the address of a foreign network. It is not assigned a multicast address. Perkins has no use for the multicast addresses disclosed in Harvey. The Examiner does not explain how a mobile host in Perkins, upon joining a foreign network and being assigned the address of such a network, could be assigned a multicast address disclosed in Harvey without interfering with Perkin's process of assigning foreign addresses. It is respectfully submitted that any such attempt to do so would require the principle of operation of Perkins (or Harvey) to be changed which is impermissible (MPEP §2143.01).

Accordingly, Appellant respectfully requests that the members of the board reverse the rejections of claims 1, 2, 4-14 and allow these claims.

2.) Claim 3

Claim 3 was rejected under U.S.C. §103 (a) as being unpatentable over Perkins in view of Harvey and in further view of U.S. Patent No. 6,131,120 to Reid ("Reid").

Appellant respectfully submits that claim 3 is patentable over the combination of Perkins, Harvey and Reid for at least the reasons set forth above with respect to claim 1 and because Reid does not make up for the deficiencies of Perkins and Harvey.

Accordingly, Appellant respectfully requests that the members of the Board reverse the decision of the Examiner and allow claim 3.

C. Conclusion

Appellant respectfully requests that the members of the Board reverse the Examiner's rejection of claims 1-14 and allow these claims.

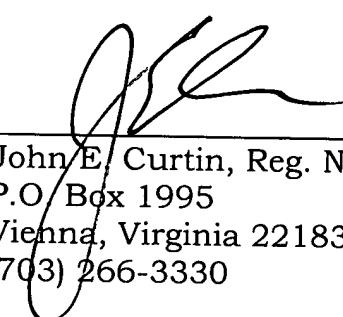
The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777

for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By: _____


John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330